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Attorneys for Plaintiffs

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

PORTLAND DIVISION

MICHAEL FIRESTONE and LINDSAY
BERSCHAUER, individually and as husband
and wife; KATERINA EYRE, an individual;
TAYLER HAYWARD, an individual; LISA
LEDSON, an individual, THOMAS REILLY,
an individual, and GERALD EARL
CUMMINGS, II, an individual,

Plaintiffs,

v.

JANET YELLEN, in her official capacity as the
Secretary of the United States Department of the
Treasury, UNITED STATES DEPARTMENT
OF THE TREASURY, and ANDREA GACKI,
in her official capacity as Acting Director of the
Financial Crimes Enforcement Network,

Defendants.

Case No: 3:24-cv-01034-SI

**PLAINTIFFS' MOTION FOR
INJUNCTION PENDING APPEAL**

Plaintiffs' Motion for Injunction Pending Appeal

4885-3534-2579

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Pursuant to Federal Rules of Civil Procedure 62(d) and 65, Plaintiffs, Michael Firestone, Lindsay Berschauer, Katerina Eyre, Tayler Hayward, Lisa Ledson, Thomas Reilly, and Gerald Earl Cummings, II, move for an injunction pending interlocutory appeal. In support Plaintiffs state:

1. Plaintiffs moved for a preliminary injunction. This Court denied that motion in an order issued on September 20, 2024 (ECF No. 18).

2. Despite the constitutional defects outlined in Plaintiffs' motion, the Act and associated regulations require Plaintiffs to have already filed, or to soon file, reports with the U.S. Department of Treasury prior to January 1, 2025.

3. Declarations filed with this motion from each named Plaintiff in this matter speak to the types of harm Plaintiffs reasonably fear exist with respect to their individual rights under the First, Fourth, and Fifth Amendments should they be compelled to comply with the Corporate Transparency Act.

4. Because Plaintiffs must incur substantial compliance costs prior to that filing deadline in service of an unconstitutional statute, Plaintiffs intend to file an interlocutory appeal of the Court's denial of the preliminary injunction as soon as possible.

5. Further, because the compliance costs are imminent, and the statutory deadline for initial compliance expires in less than 60 days, Plaintiffs intend to move for an injunction pending appeal with the Ninth Circuit Court of Appeals.

6. Federal Rule of Appellate Procedure 8(a)(1)(C) provides that a "party must ordinarily move first in the district court for" "an injunction while an appeal is pending" prior to moving with the Court of Appeals.

7. Similarly, Federal Rule of Civil Procedure 62(d) allows this Court to enter an injunction pending appeal to protect the legal interests of the parties.

WHEREFORE, this Court should enter an injunction pending appeal, and direct that Defendants may not enforce any provision of the Corporate Transparency Act pending resolution of Plaintiffs' interlocutory appeal.

Dated this 18th day of November, 2024.

Respectfully submitted,

KELL, ALTERMAN & RUNSTEIN, L.L.P.

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Trial Attorney: Thomas R. Rask, III

CERTIFICATE OF SERVICE

I hereby certify that on November 18, 2024, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which sent notification of such filing to all counsel of record.

Dated this 18th day of November, 2024.

Respectfully submitted,

KELL, ALTERMAN & RUNSTEIN, L.L.P.

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